

REMARKS

This Amendment is fully responsive to the non-final Office Action dated April 5, 2007. A one-month extension of time accompanies this Amendment. By this Amendment, claims 1, 3, 7, 9, 10, 12, 15, 17, 21 and 23-25 have been amended; and claims 2 and 16 have been canceled. No new matter has been introduced by this Amendment; thus, reconsideration is respectfully requested.

At the outset, the Applicants thank Examiner Tomaszewski for granting the personal interview that was conducted on July 25, 2007, with the Applicants' representative. During the interview, proposed claim changes for independent claims 1, 15 and 25 as well as the cited prior art were discussed in detail. It was agreed during the interview that the proposed claims changes would likely overcome the claim rejections to independent claims in view of the cited prior art. However, the Examiner did indicate that further search and consideration would be needed prior to making a final determination of allowable subject matter in the application (see Interview Summary dated July 25, 2007).

The Office Action rejects claims 1-26 under 35 U.S.C. §112, first paragraph, for allegedly containing subject matter not described in the specification. In particular, the Examiner pointed to the features added to the claims in the Amendment filed on behalf of the Applicants on January 8, 2007. Accordingly, the Applicants have amended independent claims 1, 15 and 25 to remove most of the previously added features; and further amended claims 1, 15 and 25 to help clarify their meaning. The amendments to independent claims 1, 15 and 25 are believed to be fully supported by the specification.

For example, the "first interface means" and the "second interface means" recited in claims 1 and 15 are supported by at least Fig. 3 and Figs. 20-22. The "template storage means" recited in claims 1 and 15 is supported by at least Fig. 3 and page 38, line 15 through page 41, line 13 of the specification. The "generating means" recited in claims 1 and 15 is supported by at least Figs. 29-38 and page 39, lines 1-10 of the specification. Additionally, the "first interface means" and the "second interface means" recited in claim 25 are supported by at least in Fig. 2 and Figs. 20-22; and the "display means" recited in claim 25 is supported by at least Figs. 27 and 28. Accordingly, the Applicants respectfully request that the §112 rejection to claims 1-26 now be withdrawn.

The Office Action rejects claims 1-5, 7-13, 15-19 and 21-26 under 35 U.S.C. §103(a) as being unpatentable over Clarkson (U.S. Publication No. 2003/0046305, hereafter “Clarkson”) in view of Blasingame et al. (U.S. Publication No. 2002/0022975 hereafter “Blasingame”). Additionally, claims 6, 14 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Clarkson and Blasingame, and further in view of Bair et al. (U.S. Patent No. 6,108,665, hereafter “Bair”).

As amended, independent claims 1, 15 and 25 include features not disclosed, taught or suggested by the cited prior art. In particular, independent claims 1, 15 and 25 have been amended consistent with the recommendations made during the Examiner Interview conducted on July 25, 2007 (see Interview Summary dated July 25, 2007).

Independent claims 1 recites “[a] communication system...wherein said patient terminal apparatus comprises:

first interface means for establishing a network connection and data communication between the database server apparatus and said patient terminal apparatus via the communication network;...

generating means for generating at least one patient specific answer form, which is dependent on a particular patient among the plurality of patients, the patient specific answer form being generated by inserting the at least one question set received from said database server apparatus into at least one of the answer form templates stored in said template storing means;...and

second interface means for terminating the network connection and data communication between the database server apparatus and said patient terminal apparatus;...

wherein the patient specific answer form is not transmitted through the communication network.”

The features noted above in independent claim 1 are similarly recited in independent claim 15.

As noted during the Examiner Interview, the cited prior art discloses only a stand alone system for administering health care to a patient. Thus, the cited prior art fails to include at least the “first interface means” and “second interface means,” recited in independent claims 1 and 15. As agreed during the Examiner Interview, these features

alone patentably distinguish independent claims 1 and 15 over the cited prior art. However, the Applicants respectfully point out at least one additional feature recited in claims 1 and 15 that further distinguish the claims over the cited prior art.

For example, the recited “generating means” *generates at least one patient specific answer form, which is dependent on a particular patient among the plurality of patients. The patient specific answer form is generated by inserting at least one question set received from the database server apparatus into at least one of the answer form templates stored in said template storing means.* In the Office Action, the Examiner relies primarily on Clarkson for disclosing the recited “generating means.” However, at best, Clarkson merely discloses a results table that defines the results of a test, but does not relate the test results to a particular patient (see Clarkson, ¶0101). Thus, Clarkson also fails to disclose the generation of “a patient specific answer form,” as noted above. Additionally, Blasingame and Bair fail to overcome the deficiency noted above in Clarkson. Thus, even if one of ordinary skill in the art were to combine the teaching of Clarkson, Blasingame and Bair, the combination still would not teach or suggest all the features recited in independent claims 1 and 15.

With regard to claim 25, claim 25 recites “[a] medical doctor terminal apparatus... comprising:

first interface means for establishing a network connection and data communication between the database server and said medical doctor terminal apparatus via the communication network;

first receiving means for receiving answer data stored in the database server apparatus by the patient terminal apparatus, by accessing the database server apparatus, and displaying the received answer data;...

second interface means for terminating the network connection and data communication between the database server apparatus and said medical doctor terminal apparatus;

display means for displaying a user interface that includes the received answer data for the patient, the user interface including at least one selection means being displayed within the user interface and configured for selecting at least one remedy policy corresponding to the received answer data; and

reviewing and entry means for reviewing the displayed answer data together with the displayed remedy policy which was entered previously for the patient based on a selection via the selection means, and additionally entering a new remedy policy for the patient based on the displayed answer data and the displayed remedy policy for the patient which was entered previously, whereby the doctor performs a medical examination for the patient via the communication system.”

As noted above, the cited prior art disclosed only a stand alone system for administering health care to a patient. Thus, the cited prior art fails to include at least the “first interface means” and “second interface means,” recited in independent claim 25. As agreed during the Examiner Interview, these features alone patentably distinguish independent claim 25 over the cited prior art. However, the Applicants again respectfully point out additional features recited in claim 25 that further distinguish the claim over the cited prior art.

For example, the recited “display means” *displays a user interface that includes at least one selection means being displayed within the user interface and configured for selecting at least one remedy policy corresponding to the received answer data. Additionally, the reviewing and entry means displays answer data together with the displayed remedy policy based on a selection via the selection means.*

Conversely, Clarkson fails to disclose a display including a user interface; and Blasingame and Bair fail to disclose a selection means included as part of a displayed user interface. Thus, even if one of ordinary skill in the art were to combine the teaching of Clarkson, Blasingame and Bair, the combination still would not teach or suggest all the features recited in independent claim 25.


Therefore, independent claims 1, 15 and 25 are patentable distinguished over the cited prior art. Additionally, dependent claims 3-14, 17-24 and 26 are patentably distinguished over the cited prior art based at least on their dependency from independent claims 1, 15 and 25.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited. If, after reviewing this Amendment, the Examiner feels there are

any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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